

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in a study session starting at 5:00 p.m. on Monday, December 2, 2013 at the Erskine Building. At 6:45 the Council began their regular session. Present: Mayor Mark Carstensen, Alderpersons, Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Marcia Johnston, Tim Potts, Kelly Vasknetz (arrived at 5:20 pm), and Ronald Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

Motion by Johnston, second by Waterland and carried with all members present voting yes to approve the agenda.

Motion by Bachand, second by Johnston and carried with all members present voting yes to go into executive session for personnel at 5:02 pm.

Motion by Bachand, second by Waterland and carried with all members present voting yes to return to regular session at 6:20 pm.

A discussion was held on future charitable contributions. The following bullet points were talked about:

- There should be an agreement with Sturgis Rally Charities.
- The City is spending too much money on special events.
- The special events need to become self-efficient after a few years and not need City money.
- There is a different stream of revenue (rally) for the Sturgis Rally Charities and the special events revenue stream is taxes.
- The Chamber and SEDC is not considered a donation; the money that goes to them is improving the City.
- Special events should be bringing in sales tax revenue.
- The B.I.D. should be the entity that takes over working with these events and funding them.
- The Rally should benefit the Community of Sturgis and this can be done through the Sturgis Rally Charities.

A discussion was held on the procedures of the Ordinance Committee. The Ordinance Committee will not be making changes to the ordinances that are up for either 1st or 2nd reading on a Friday prior to the Council meeting. The Committee will continue working on the ordinance priorities of the Council.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance at 6:45 pm.

Announcements:

Exit 32 is closed to all dumping of tree branches and if anyone is caught doing this, they will be fined.

There are several holiday events happening December 5th through the 8th in the City.

City Manager Ainslie reported:

- Sales tax update for the end of November 2013-General Sales Tax and Capital Improvement Tax was up 12.2% and the Gross Receipts Tax (triple B) was up 1.4%.

Year to date totals for General Sales Tax and Capital Improvement Tax are up 7.05% with the Gross Receipts Tax (triple B) is up 3.1%.

Motion by Waterland, second by Hersrud and carried with all members present voting yes to approve the following items on the consent calendar:

- a. Consider approval to set a public hearing for December 16, 2013 for a Retail On-Off Sale Wine License for Shopko Hometown at 2105 Lazelle.
- b. Consider approval to set a public hearing on January 6, 2014 for KLD&B, LLC/Easy Riders for a zoning amendment to rezone from GR-1 to Highway Service for a parking area.
- c. Consider approval to set a public hearing on January 6, 2014 for Key City Investments for a zoning amendment to rezone from a mobile home park to an RV Park.
- d. Consider to approve the Vacation Sell-Back Policy.

Motion by Waterland, second by Johnston and carried with all members present voting yes to approve the minutes from the November 18, 2013 regular council meeting with the following typo corrections to Title 31.

31.02.03.04 Fee and Duration of License

- A) A temporary business shall pay a Temporary Vendor License fee based on location and size of the overall vending area as set forth below together with the Special Sanitation Fee at the rate established and required by Title 11 of Sturgis City Ordinances for each twelve (12) consecutive day period, or portion thereof, in any calendar year. The combined fee shall be paid at the Finance Office at the time the application is submitted for approval. The Finance Officer shall note on the license the time period for which it is effective. A business may purchase only two (2) vendor licenses per location per twelve (12) month period.
- B) The license fee for each vending area, for payment of both the Temporary Vendor License fee and the Special Sanitation fee, shall be as follows:
 1. Vending area of 100 square feet or less, \$560.00
 2. Vending area of 101 to 400 square feet, \$850.00
 3. Vending area of 401 to 800 square feet, \$1000.00
 4. Vending area of 801 to 1200 square feet or less, \$1200.00
 5. Vending area of more than 1200 square feet, \$1500.00

Each vending area separated by a distance of three (3) feet or more from another vending area shall be subject to a separate license fee. Regardless of any shared resources, expenses or any corporate affiliation or other cooperative business activities, each temporary business shall be required to obtain a separate temporary vendor license.

31.02.03.06 Exemptions from the Temporary Vendor License Fee:

The exemptions to the requirement to purchase a temporary vendor license are stated in paragraphs A through E below. Regardless of any shared resources, expenses, corporate affiliation or relationship, other cooperative business activities, or any contract or agreement between temporary vendors, each temporary vendor shall be required to obtain a separate temporary vendor

license. Each vending area separated by a distance of three (3) feet or more from another vending area shall be required to obtain a separate license.

Motion by Potts, second by Waterland and carried with Carstensen, Anderson, Bachand, Bestgen, Johnston, Potts, Vasknetz and Waterland voting yes, Hersrud abstaining, to approve the following claims with the exception of: **Capital Improvement** – Sturgis Volunteer Fire Dept, \$20,832.00, cap imp; **General** – Scott Peterson Motors, \$13.65, repair:

Wages – Ambulance \$24,578.05; Attorney \$2884.62; Auditorium \$; Buildings \$1308.27; Cemetery \$1969.25; City Manager \$4257.89; Community Center \$9422.04; Finance Office \$8638.62; Fire Department \$1793.18; Human Resource \$2171.81; Library \$7525.67; Liquor \$4589.67; Mayor and Council \$3333.27; Parks \$10,355.18; Planning & Permitting \$3797.72; Police \$34,833.95; Rally \$3274.73; Recreation \$3148.00; Sanitary Service \$10,766.96; Streets \$8679.94; Wastewater \$5933.82; Water \$13,295.48; Federal Withholding \$15,253.82; FICA \$12,116.33.

General – A&B Business, \$150.57, supp; A&B Welding, \$26.88, supp; Adams Machining, \$650.00, repair; Daniel Ainslie, \$500.00, grp insur; Mark Alley, \$500.00, grp insur; Amazon, \$299.84, supp; Associated Supply, \$36.05, supp; A-Z Custom Contracting, \$12,433.20, other; Baker & Taylor, \$246.87, supp; Andrew Barff, \$30.00, other; William Barff, \$678.00, grp insur; Dusty Barker, \$30.00, other; BH Badlands & Lakes, \$781.00, travel-rally; BH Power, \$149.25, util; Border States Electric, \$1511.34, repair; Sean Briscoe, \$500.00, grp insur; Fay Bueno, \$500.00, grp insur; Jerry Burnham, \$2490.92, prof fee; Rick Bush, \$250.00, grp insur; Campbell Supply, \$33.98, repair; CBH Cooperative, \$44.30, travel; Creative Product Sourcing, \$1220.25, other; Diesel Machinery, \$3172.39, repair; Double Star Computing, \$1912.50, supp; Fedex, \$16.13, supp; Gaylord Brothers, \$274.78, supp; Godfrey Brake, \$59.70, repair; Grocery Mart, \$14.96, supp; Ken Grosch, \$30.00, other; Rod Heikes, \$500.00, grp insur; Tyler Kaitfors, \$25.00, grp insur; Kinkade Funeral Chapel, \$143.10, cem lot sale; Legends Sales & Marketing, \$4250.00, prof fee; Loud American, \$525.00, supp; Marco Inc, \$17.76, repair; Alan Morris, \$30.00, other; Oriental Trading, \$56.25, supp; Owens Interstate, \$221.50, repair; Park Ave Car Wash, \$94.40, supp; Pitney Bowes, \$37.81, rental-rally; Pryntcomm, \$671.30, publ-rally; Purchase Power, \$400.00, supp; Quill Corp, \$71.98, supp; Rockingtree Floral, \$200.00, supp; S&C Cleaning, \$3100.00, repair; Sanitation Products, \$129.75, repair; Schwans, \$26.83, merch for resale; SD Library Network, \$4032.25, repair; SD Municipal League, \$75.00, travel; Shopko, \$6.99, supp; Jeanie Shyne, \$500.00, grp insur; Signs Now, \$1263.64, supp; Christina Steele, \$500.00 grp insur; Sturgis Volunteer Fire Dept, \$250.00, travel; Think! Toner & Ink, \$300.11, supp; Geody Vandewater, \$26.97, travel; Whisler Bearing, \$4.00, repair; Elaine Wolken, \$1000.00, grp insur; Wow! Business, \$2047.73, util.

Special Sales Tax – Chamber of Commerce, \$8573.48, chamber; SEDC, \$7750.00, ind dev.

Tif #7 Legner – Meade Co Auditor, \$3077.05, other; Meade School District 46-1, \$4648.89, other.

Perpetual Maintenance – Kinkade Funeral Chapel, \$58.30, perp maint, tax.

Liquor – Double Star Computing, \$12.50, prof fee; Harriet Lolley, \$84.00, merch for resale; Wow! Business, \$148.90, util; Zylstra Towing, \$150.00, other.

Water – BH Power, \$150.27, util; Rick Bush, \$250.00, grp insur; Double Star Computing, \$72.50, prof fee; Wow! Business, \$93.72, util.

Wastewater – BH Power, \$1956.51, util; Rick Bush, \$250.00, grp insur; Double Star Computing, \$12.50, prof fee; LPN Holdings, \$1683.02, supp; Sanitation Products, \$2113.88, repair.

Sanitary Service – A&B Welding, \$41.83, repair; BH Power, \$211.34, util; Rick Bush, \$250.00, grp insur; Century Business, \$47.37, prof fee; Double Star Computing, \$12.50, prof fee; Eddies Truck Sales, \$3605.43, repair; Inland Truck Parts, \$120.54, repair; Key City Glass, \$50.00, repair; Northern Truck Equipment, \$471.30, repair; Owens Interstate, \$11.86, repair.

Ambulance – Double Star Computing, \$72.50, prof fee; Massa Berry Clinic, \$100.00, supp; Regional Home Medical Equip, \$587.00, supp; Wow! Business, \$84.94, util.

Motion by Hersrud, second by Anderson and carried with Anderson, Bachand, Bestgen, Hersrud, Johnston, Vasknetz and Waterland voting yes, Carstensen and Potts abstaining, to approve the following claims: **Capital Improvement** – Sturgis Volunteer Fire Dept, \$20,832.00, cap imp; **General** – Scott Peterson Motors, \$13.65, repair.

A motion was made by Bachand to approve the liquor and wine licenses renewals for 2014 except for Key City Enterprises. Died for lack of second.

Motion by Potts, second by Hersrud and carried with all members present voting yes to approve the liquor and wine license renewals for 2014 except for Key City Enterprises contingent that they pay their obligation of \$2000 by December 16th.

Package (off-sale) Liquor

1. City of Sturgis, dba – Sturgis Liquor – 1075 Lazelle

Retail (on-sale w/Sunday Sales) Liquor

1. PSI Enterprises, LLC, dba – Oasis Bar & Lounge – 1145 Main St
2. KSLB & D – dba – Easy Riders Steakhouse – 888 Junction Ave.
3. Homeslice Management, LLC – dba – Loud American Roadhouse – 1305 Main St
4. One Eyed Jacks Saloon of Sturgis Inc – dba – One Eyed Jack's Saloon – 1304 Main St
5. American Legion Mead Post 33/ VFW Paha Sapa Post 2730 – 868 Main St.
6. Schmid Investments – dba – Sidehack Saloon – 1027 Lazelle Street
7. Key City Enterprises – dba – The Knuckle Saloon – 931 1st Street
8. Phil-Town Inn Inc. – dba – Phil Town Inn – 2431 S. Junction

Wine (on-off sale) License

1. Billy & Jason Fields – dba – Rosco'z – 976 Lazelle
2. Fresh Start Convenience Store, Inc. – 2620 Lazelle St.
3. Dungeon Bar – dba – Royal Flush Casino and Sports Bar – 1030 Main Street
4. Sturgis Wine Company LLC – dba – Sturgis Wine Company – 1117 Main Street
5. Willie Nillie Inc – dba – Willie Nillie – 2715 Lazelle Street
6. MAJR, LLC – dba – Sturgis Coffee Company – 2275 Lazelle Street
7. Sturgis Water Works Co LLC – dba – JJ Davenport's Restaurant – 1020 Junction
8. Sheree D Schriver – dba – Jambonz Grill & Pub – 2214 Junction Ave.
9. Lynn's Discount Foods, Inc – dab – Lynn's Dakota Mart – 1111 Lazelle St.
10. Key City Enterprises – dba – The Knuckle Saloon – 931 1st Street
11. Sturgis Strikers LLC – dba – Sturgis Strikers – 910 1st Street
12. The Sturgis Trading Post LLC – dba – The Bank – 1100 Main Street

Motion by Hersrud, second by Johnston and carried with all members present voting yes to approve the following payroll changes: Ambulance Dept – EMT-B – Cody Heupel - \$12.00 (\$10 until orientation complete). Community Center Dept – Lifeguards – Kilania Newton - \$7.25; John Paul - \$7.50; Taber Baldwin - \$7.75. Ambulance Dept – EMT-B – Ryan Krogstad - \$12.00 (\$10 until orientation complete), Sarah Stewart - \$12.00 (\$10 until orientation complete).

Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve second reading of Ordinance 2013-24 – Title 14 – Parks & Recreation.

ORDINANCE 2013-24
AN ORDINANCE AMENDING TITLE 14 – PARKS AND RECREATION

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 14 – Chapter 14.01 – General Provisions, Section 14.01.02 – Definitions; Chapter 14.03 – Use of the Fairgrounds, 14.03.01: Lease Agreement and Liability Waiver Required, 14.03.03: Tickets Sales, 14.03.07: Use of Funds, 14.03.08: Sturgis Half-Mile Committee Created, 14.03.09: Committee Make-up, 14.03.10: Responsibility and Authority, 14.03.11: Coordination with other City Departments. Chapter 14.04 - Authority of Chief of Police to Limit Motor Vehicles in Parks, Section 14.04.01: Power and Authority, 14.04.04: Exemptions. Chapter 14.05: Urban Forestry Board, Section 14.05.03: Street Trees, 14.05.04: Trees on Public Property, 14.05.05: Trees on Private Property 14.06.06: Metal Detectors and 14.07 Appeal Process is amended to read as follows:

TITLE 14 PARKS & RECREATION

Chapters:

14.01: General Provisions
14.02: Park and Recreation Board
14.03: Use of the Fairgrounds
14.04: Authority of Chief of Police to Limit Motor Vehicles in Parks
14.05: Urban Forestry Board
14.06: Rules and Regulations
14.07: Appeal Process

Chapter 14.01 GENERAL PROVISIONS

SECTIONS:

14.01.01: Scope and Purpose
14.01.02: Definitions
14.01.03: Penalty

14.01.02: DEFINITIONS

STREET TREES: Any trees, shrubs, bushes, and all other woody vegetation on public land or located within a dedicated public right of way or ways within the City.

Chapter 14.03 USE OF THE FAIRGROUNDS

SECTIONS:

14.03.01: Lease Agreement and Liability Waiver Required
14.03.02: Fees
14.03.03: Tickets Sales
14.03.04: Bond and Insurance - Generally
14.03.05: Surety Bond
14.03.06: Liability Insurance

14.03.01: LEASE AGREEMENT AND LIABILITY WAIVER REQUIRED

No person may use the Fairgrounds of the City, or any other City owned property designated by the City Council to fall under the provisions of this Chapter, for any purpose whatsoever, without first signing a Lease Agreement and/or a Liability Waiver and Release from Liability, as the City deems necessary based upon the anticipated use.

In the event the fairgrounds or any other City owned property designated by the City Council to fall under the provisions of this Chapter, are being used for an event, said person shall also agree that all event participants shall sign waivers provided by the City.

In the event said person is using the fairgrounds or any other City owned property designated by the City Council to fall under the provisions of this Chapter, for practice of an activity, but not an event, said person shall sign the Liability Waiver and Release from Liability.

Upon City approval of the use of the facility, the Lease Agreement and Liability Waiver and Release from Liability forms will be provided for applicant's signature by the Rally and Events Department or the City Finance Office.

14.03.03: TICKETS SALES

Each lease contract shall include a ticket sales and expense reporting requirement. If not stated within the lease contract, then within fifteen (15) days from the completion of the event, lessee shall provide an accounting to the City of all tickets sold and all other revenue received for the use of the Fairgrounds. In the event that labor and/or materials are contributed in lieu of cash, then the contribution of labor and/or materials shall be made at the time and in a manner specified in the lease contract for that use.

Chapter 14.04 AUTHORITY OF CHIEF OF POLICE TO LIMIT MOTOR VEHICLES IN PARK AND RECREATION AREAS

SECTIONS:

- 14.04.01: Power and Authority
- 14.04.02: Sturgis Bike Path
- 14.04.03: Bear Butte Creek
- 14.04.04: Exemptions
- 14.04.05: Racing and Competitive Competition Prohibited

14.04.01: POWER AND AUTHORITY

The City Manager, after consultation with the Chief of Police and Parks Director, shall have the power and authority, when deemed necessary for public health and safety, to determine the types and numbers of motorized vehicles allowed in the parks and recreations area of the City at any time. In the event the City Manager deems it necessary to limit the number and/or type of motorized vehicles in any park or recreation area in the City, he shall cause to be posted at the entrance to the park or recreation area affected by the restriction, a sign providing for the types of vehicles allowed and the period of time for which the restriction is imposed.

14.04.04: EXEMPTIONS

The following shall be exempt from Sections 14.04.02 and 14.04.03

- A. City maintenance vehicles.
- B. City Police vehicles.
- C. Any handicapped person operating any approved device that is designed specifically for individual handicap mobility.

Chapter 14.05 URBAN FORESTRY BOARD AND TREES

SECTIONS:

- 14.05.01: Creation of Board and Statement of Purpose
- 14.05.02: Urban Forestry Board Established
- 14.05.03: Street Trees
- 14.05.04: Trees on Public Property
- 14.05.05: Trees on Private Property
- 14.05.06: Storage of Wood
- 14.05.07: Interference with City Parks Department

14.05.03: STREET TREES

No street trees shall be planted unless and until the City Manager or his/her designee, after consultation with the Urban Forestry Board, has first approved the kind, size, variety and location thereof.

It is unlawful for any person to top any street tree or other tree on public property. Trees on public property and located within a public right of way severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical may be topped only with the approval of the City Manager or his/her designee.

All stumps of street and park trees shall be cut below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

14.05.04: TREES ON PUBLIC PROPERTY

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within public right-of-way and on public grounds, as it may determine.

Any living tree within the public right-of-way and on public grounds shall not be removed without permission from the City Manager or his/her designee.

The minimum height of branches extending over the sidewalks in the City shall be seven (7) feet.

The minimum height for branches extending over the public right-of-way shall be fourteen (14) feet.

The City Parks Department may remove or cause or order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to private property, sewers,

electric power lines, gas lines, water lines or other public improvements, or is infested with any pest. This Section shall not prohibit the planting of street trees by owners of adjacent property provided that the selection and location of said tree is made in accordance with this ordinance.

14.05.05: TREES ON PRIVATE PROPERTY

The City shall have the right to inspect and cause the removal of any dead or diseased trees on private property within the City if such trees constitute a hazard to life or property or harbor pests, which constitute a threat to other trees within the City. The City shall notify the owners of such trees, in writing, to remove such trees within such reasonable time as shall be determined by the City Manager or his/her designee. Removal shall be made by said owners at their own expense. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners or to assess the costs thereof against the property.

Any person claiming an interest in any tree ordered to be removed under the preceding paragraph may appeal such order to the City Manager or his/her designee within seven (7) days of the date of notification.

14.06.06: METAL DETECTORS

The use of metal detectors or other such devices used to locate buried materials shall be prohibited within any City Park and Recreation Area unless specifically authorized by the City Manager or his/her designee.

Chapter 14.07 APPEAL PROCESS

Any person aggrieved by a decision made under this Title shall be entitled to have said decision reviewed by the City Manager. If after review, the person is unsatisfied, he or she may appeal the decision to the City Council. The process shall be as follows:

- A. An aggrieved person shall first file a written request for review with the City Manager setting forth the basis for which he or she believes the decision to be in error. The writing shall also include the person's name and mailing address.
- B. Upon receipt of a written request for review, the City Manager shall review the decision and mail a written response to the aggrieved person within twenty (20) days.
- C. If the aggrieved person is not satisfied with the decision of the City Manager following review, he or she may file a notice of appeal with the City Finance Officer. There shall be a twenty-five dollar (\$25.00) fee assessed for filing an appeal, which shall be paid to the Finance Office at the time of filing the notice of appeal.
- D. Upon receipt of a notice of appeal, the Finance Officer shall notify the City Council and a public meeting shall be held within thirty (30) days after the date said appeal was filed. The Council shall provide notice to the person specifying the time, date, and location of the hearing.
- E. The Council may notify the aggrieved person of its decision following the hearing.

however, the Council shall issue a written decision to the person within twenty (20) days of the hearing. The Council may affirm or reverse the decision of the Building Inspector.

First reading: 11-18-2013
Second reading: 12-02-2013
Adopted: 12-02-2013
Published: 12-11-2013
Effective: 01-01-2014

Johnston introduced the following written resolutions and moved its adoption:

**RESOLUTION 2013-68
RESOLUTION ON ANNEXATION OF THE DAVENPORT RANCH**

WHEREAS Katherine Martel and Martha Ward co-owners have filed a Petition for Annexation with the City of Sturgis; and

WHEREAS said Petition has been executed by more than $\frac{3}{4}$ of the registered voters and more than $\frac{3}{4}$ of the owners of the value of the territory sought to be annexed to the City of Sturgis; and

WHEREAS said real property set forth in the Petition is contiguous to the City of Sturgis; and

WHEREAS the Owners and the City of Sturgis have entered into a Development Agreement dated May 2, 2013 pursuant to S.D.C.L. 9-4-1.1.

NOW THEREFORE BE IT RESOLVED that this Resolution of Annexation shall become effective January 1, 2014 pursuant to S.D.C.L. 9-4-1,

BE IT FURTHER RESOLVED that upon such approval that the following described real property shall be annexed to the City of Sturgis:

Lot 1 Revised of the NE1/4 of Section 21, T5N, R5E, (formerly Lot 1 of the NE1/4 of Section 21, T5N, R5E.) and the 60' wide Dedicated Public R.O.W. in the NE1/4 of Section 21 and the NW1/4 of Section 22, T5N, R5E, B.H.M., Meade County, South Dakota.

Published: 12-11-13
Effective: 1-1-14

**RESOLUTION 2013-69
RESOLUTION ON ANNEXATION OF THE CITY OWNED PINE VIEW DRIVE
PROPERTY**

WHEREAS the City of Sturgis as owner has filed a Petition for Annexation with the City of Sturgis; and

WHEREAS said Petition has been executed by more than $\frac{3}{4}$ of the registered voters and more than $\frac{3}{4}$ of the owners of the value of the territory sought to be annexed to the City of Sturgis; and

WHEREAS said real property set forth in the Petition is contiguous to the City of Sturgis; and

NOW THEREFORE BE IT RESOLVED that this Resolution of Annexation shall become effective January 1, 2014 pursuant to S.D.C.L. 9-4-1,

BE IT FURTHER RESOLVED that upon such approval that the following described real property shall be annexed to the City of Sturgis:

Lot 1A and Utility Lot 1B of Lot 1 formerly Lot 1 of the NE1/4 Section 21, T.5N., R.5E., B.H.M., Meade County, South Dakota

Dated this 2nd day of December 2013.

Published: 12-11-13

Effective: 01-01-14

Hersrud seconded the motion for the adoption of the foregoing resolutions with all members present voting yes and the resolution was declared passed and adopted.

Motion by Potts, second by Waterland and carried with all members present voting yes to approve authorizing the City Manger to sign a contract with the American Specialty Health Fitness Inc in order to provide Silver & Fit Program.

Motion by Johnston, second by Waterland and carried with Anderson, Bachand, Bestgen, Hersrud, Johnston, Potts, Vasknetz and Waterland voting yes, Carstensen abstaining, to approve authorizing a 2014 Vehicle purchase of a Class CS 1 ton 4x4 Crew Cab Long Box 8' for the Wastewater Dept using state contracts bid pricing with Scott Peterson Motors being awarded the bid for \$30,270.00.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve the transfer of money (\$31,173.57) from the Wastewater Fund to the Sewer Assessment Bond Fund.

Potts introduced the following written resolution and moved its adoption:

RESOLUTION 2013-70
A RESOLUTION DECLARING PROPERTY SURPLUS

Parks Department

1. 7 Mag One Portable Radios (trade-in)

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the personal property described above is hereby declared surplus and to be disposed of as described by SDCL 23A-37-13 and 23A-37-10. It is being advisable and in the best interest of the City to sell or dispose of such personal property.

Dated this 2nd day of December 2013.

Published: 12-11-2013

Effective: 01-01-2014

Johnston seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution declared passed and adopted.

Any other business:

None

Motion by Waterland, second by Hersrud and carried with all members present voting yes to go into executive session for legal and contracts at 7:35 pm.

Motion by Bestgen, second by Johnston and carried with all members present voting yes to return to regular session at 8:28pm.

Motion by Potts, seconded by Waterland and carried with all members present voting yes to adjourn the meeting at 8:28 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$